

1 THE HONORABLE ROBERT J. BRYAN
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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON AT TACOMA

9 TIMOTHY DIETZ,

10 Plaintiff,

11 v.

12 QUALITY LOAN SERVICE CORP. OF
13 WASHINGTON., et al.,

Defendants.

No.: 3:13-cv-05948-RJB

RESPONSE TO PLAINTIFF'S MOTION TO
ACCEPT SERVICE OF SUMMONS AS
BEING WAIVED

NOTE ON MOTION CALENDAR:
September 12, 2014

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15 COMES NOWS defendant Quality Loan Service Corporation of Washington ("Quality")
16 and McCarthy & Holthus, LLP ("M&H") and responds to the Plaintiff's motion for waiver of
17 service [Dkt #44].

18 Plaintiff alleges that waiver of service forms, pursuant to FRCP 4(d), were submitted to
19 Quality and M&H in February of 2014. No copies of those forms or proof of mailings are
20 attached to the motion.

21 Plaintiff seeks a court order finding that service of the summons was effectuated on
22 Quality and M&H when the waivers were sent, or alternatively that service was waived as of
23 those dates. FRCP 4(d) does not provide for either of these forms of relief. Plaintiff's motion
24 should be denied.

25 **I. CONCLUSION**

26 Plaintiff's motion should be denied.

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Response
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MH #WA-14-614695-CV (QLS); WA-14-614702-
CV (M&H)

McCarthy & Holthus LLP
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Seattle, WA 98104
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FAX: (206) 780-6862

1 Dated: September 8, 2014

2 MCCARTHY & HOLTHUS, LLP

3 /s/ Joseph Ward McIntosh

4 Joseph Ward McIntosh, WSBA #39470

5 Attorneys for Quality Loan Service Corp. of Washington and McCarthy & Holthus, LLP

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